

JACQUELINE NAYLOR, ESQ.
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(702) 990-3132
Counsel for Defendant
JAMES KINNEY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JAMES KINNEY,)
)
Defendant.)

Case No. 2:09-cr-132-RLH-RJJ

ATTORNEY JACQUELINE NAYLOR'S
MOTION TO WITHDRAW AS COUNSEL
OF RECORD FOR DEFENDANT
JAMES KINNEY

COMES NOW attorney Jacqueline Naylor and respectfully files this motion to withdraw
as counsel of record in this case. This motion is based upon the Affidavit of Counsel
contained herein.

DATED this 29th day of June, 2011.

Respectfully submitted,

/s/
Jacqueline Naylor, Esq.
Counsel for JAMES KINNEY

AFFIDAVIT OF JACQUELINE NAYLOR, ESQ.

As an Officer of the Court, attorney Jacqueline Naylor swears and affirms that the following representations are true:

1. That she was admitted to practice law in the State of Nevada in October of 1981 and was admitted to practice before the United States District Court for the District of Nevada shortly thereafter; and, that she is an attorney In Good Standing in the State of Nevada and has never had a bar complaint or malpractice charge filed against her;

2. That she was appointed to represent Mr. Kinney in her capacity as a CJA panel attorney on September 17, 2009 and has represented him since that day; jury trial is now scheduled for April 9, 2012.

3. That counsel now seeks to withdraw as counsel for Mr. Kinney for medical reasons. She suffers from several medical conditions, the most serious of which is three herniated discs in the back. This condition is inoperable and has become much worse over the past six months. Over the past several years, counsel has suffered many bouts of complete paralysis of the back which have lasted between three and five days each. Even when hospitalized for this condition, the paralysis only goes away after several days of bed rest. This condition is worsened by stress. Counsel fears she will be physically unable to adequately prepare for and participate in a trial as document-intensive and lengthy as this case is anticipated to be.

4. Counsel intends to end her 30-year practice of the law after finishing two 3-days trials scheduled for later this year.

5. Mr. Todd M. Leventhal, Esq., a CJA panel attorney, has agreed to assume representation of Mr. Kinney. Mr. Leventhal is an experienced attorney in the District of Nevada and is aware of the current trial date. The undersigned counsel discussed the representation of Mr. Kinney both on the phone and in person with Mr. Leventhal and Mr. Leventhal is aware of the amount of discovery and that this is a complex case. Mr. Leventhal intends to retain defense investigator Hubert J. Goodrich, owner of Goodrich Investigations, who specializes in complex

1 financial crimes. Mr. Goodrich has a good relationship with Mr. Kinney and has done a great
2 deal of work in this case. His continued involvement will assure a smooth transition for Mr.
3 Leventhal.

4 5. Counsel has discussed her possible withdrawal with Mr. Kinney and Mr. Kinney has
5 no objection to said withdrawal.

6 6. That for all the above reasons, counsel respectfully requests that she be allowed to
7 withdraw as counsel of record for Mr. Kinney.

8 DATED this 29th day of June, 2011.

9
10 /s/
Jacqueline Naylor, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby affirms that a copy of the foregoing Motion To Withdraw as Counsel of Record will be served on all counsel of record in the above-referenced case, via electronic transmission and pursuant to local order.

DATED this 29th day of June, 2011.

/s/
Jacqueline Naylor